



## DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 275  
December 23, 2003

### VEHICLE OWNER'S CONSENT TO SEARCH LEADS TO ARREST OF PASSENGER

**Reference:** Maryland United States Supreme Court  
v. No. 02-809  
Joseph Jermaine Pringle December 15, 2003

#### **FACTS:**

Around 3:16 a.m., a Baltimore police officer stopped a vehicle for speeding. Three occupants were in the car: Donte Partlow, the driver-owner; Pringle, the front-seat passenger; and Otis Smith, the back-seat passenger. The officer asked Partlow for his driver's license and vehicle registration. The officer observed a large amount of rolled-up money in the glove compartment when Partlow opened it to retrieve the vehicle registration. The officer returned to his patrol car and requested a check on Partlow; there were no outstanding warrants for his arrest.

The officer went back to the vehicle and asked Partlow if he had any weapons or narcotics in the car. Partlow said he did not. The officer asked Partlow for consent to search the car. Partlow consented and the search yielded \$763.00 from the glove compartment and five glassine baggies containing cocaine from the back-seat armrest. The officer questioned all three men about ownership of the drugs and informed them that if nobody admitted to ownership, he was going to arrest all three of them. No one admitted ownership. They were all placed under arrest and transported to the police station.

Later that morning, Pringle waived his Miranda rights and gave an oral and written confession, admitting the drugs belonged to him. He maintained the other occupants of the car did not know about the drugs, and they were released.

Pringle was convicted of possession and intent to distribute cocaine. He was sentenced to ten years' incarceration without possibility of parole.

At the trial, Pringle argued that the cocaine evidence should be suppressed because "the mere finding of cocaine in the back armrest, when Pringle was a front-seat passenger in a car driven by its owner, is insufficient to establish probable cause for an arrest for possession." The Maryland Supreme Court agreed with Pringle; the State of Maryland appealed.

**ISSUE:**

Did the officer have probable cause to believe that Pringle committed the crime?

**HELD:** Yes.

**REASONING:**

1. It was entirely reasonable to infer from the facts that any or all three of the occupants had knowledge of, and exercised dominion and control over, the cocaine. Thus, a reasonable officer could conclude that there was probable cause to believe Pringle committed the crime of possession of cocaine, either solely or jointly.

2. Pringle and his two companions were in a relatively small automobile, not a public tavern. A car passenger, unlike the unwitting tavern patron, will often be engaged in a common enterprise with the driver and have the same interest in concealing the fruits or evidence of their wrongdoing.

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Add this case to Section B, "Consent," of your Contents and Text. File Legal Bulletin No. 275 numerically under Section R of the manual.